

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT GREENEVILLE

UNITED STATES OF AMERICA)	
)	
V.)	NO. 2:16-CV-174
)	
JAMES WILDER)	

REPORT AND RECOMMENDATION

The United States has filed a Motion to Compel Post-Judgment Discovery [Doc. 10]. The defendant, who is pro se, has not responded to the Motion. The Motion has been referred to the undersigned by the District Judge for a report and recommendation [Doc. 13].

On October 25, 2016, the United States obtained a default judgment against the defendant in the original amount of \$10,303.00 plus interest and surcharge. On November 22, 2016, the United States served a set of post-judgment discovery requests on the defendant. After receiving no response, on January 5, 2017, the United States advised the defendant of its intention to move to compel responses to its discovery requests, and provided the defendant with an additional copy of the requests. On February 15, 2017, the United States served the present Motion.

The defendant failed to respond to the complaint after being personally served by the United States Marshal [Doc. 5]. He has likewise failed to respond to the discovery requests themselves, and has failed to respond to this Motion. His failure to either respond or object to the discovery requests operates as a waiver on his part to now file objections. Fed. R. Civ. P. 33(b)(4).

It is respectfully recommended that the Motion be GRANTED. It is further recommended that the defendant be ordered to respond to the interrogatories and requests for production by a date certain and without objection. The Clerk is DIRECTED to mail a copy of this report and recommendation to the defendant, James Wilder, at 219 South Fork Branch Road, Rogersville, TN 37857.¹

Respectfully submitted:

s/ Clifton L. Corker

UNITED STATES MAGISTRATE JUDGE

¹Any objections to this report and recommendation must be filed within fourteen (14) days of its service or further appeal will be waived. 28 U.S.C. 636(b)(1).